

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

DAMON P. STEPP,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:13-cv-00683-TWP-MJD
)	
REXNORD INDUSTRIES, INC.,)	
)	
Defendant.)	

**ORDER REGARDING MOTION TO REQUEST ORDER FOR DEFAULT
JUDGMENT**

This matter comes before the Court on Plaintiff's Motion to Request Order for Default Judgment. [ECF Dkt. No. 60.] In the motion, Plaintiff claims that Defendant's response to the Complaint was due June 27, 2014 and Defendant did not file its Answer until June 28, 2014. [Id.]

The Court notes that a Notice of Lawsuit and Request to Waive Service of a Summons was mailed to Defendant on April 29, 2013. [ECF Dkt. No. 5.] The Notice of Waiver provided that, if Defendant signed and returned the waiver, it would have sixty days from April 29, 2013 to respond to the Complaint. [Id.] The Notice of Waiver was signed and returned by Defendant on May 23, 2013. [ECF Dkt. No. 8.]

Federal Rule of Civil Procedure 6(a)(1) provides as follows:

- a) **Computing Time.** The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

(1) *Period Stated in Days or a Longer Unit.* When the period is stated in days or a longer unit of time:

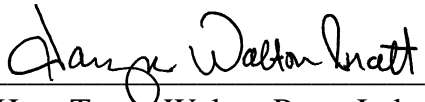
(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Fed. R. Civ. P. 6(a)(1). Following the prescribed procedure, the date sixty days after April 29, 2013 is June 28, 2013, not June 27, 2013 as incorrectly calculated by Plaintiff. Accordingly, Defendant's Answer was timely filed and Plaintiff's Motion to Request Order for Default Judgment [ECF Dkt. No. 60] is hereby **DENIED**.

Date: 05/08/2014


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

DAMON P. STEPP
8659 Rockville Road
Indianapolis, IN 46234

Charles B. Baldwin
OGLETREE, DEAKINS, NASH, SMOAK & STEWART
charles.baldwin@odnss.com

Christopher C. Murray
OGLETREE, DEAKINS, NASH, SMOAK & STEWART
christopher.murray@ogletreedeakins.com

Michelle R. Maslowski
OGLETREE, DEAKINS, NASH, SMOAK & STEWART
michelle.maslowski@ogletreedeakins.com